

REMARKS

The Office Action dated November 1, 2007 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Applicants and the undersigned wish to express their appreciation to the Examiner for courtesies extended during a telephone interview that occurred on March 27, 2008. During the interview, the Office Action dated November 1, 2007 was discussed. Specifically, the undersigned discussed the Section 103 rejections, and at least some of the differences between the present invention and Tengel, U.S. 5,940,812. For example, the undersigned advised the Examiner that Tengel does not describe or suggest prompting a customer to input into a computer information describing an energy-related asset being financed. Moreover, Tengel does not mention financing an energy-related asset. The passage of Tengel cited by the Examiner relates to applicant information. In addition, the unique attributes cited by the Examiner relate to the loan itself, rather than to an energy-related asset being financed.

Although no agreement was reached with respect to the patentability of the claims in the present case. The foregoing Amendment has been made in consequence of the Examiner Interview. The Examiner also agreed to contact the undersigned if she has any further questions after reviewing the present Amendment.

Claims 1-20 and 45-53 are now pending in this application. Claims 1-20 and 45-53 stand rejected.

The rejection of Claims 1, 11, and 45 under 35 U.S.C. § 112, second paragraph, as being indefinite is respectfully traversed.

The Office Action asserts at page 2 that the recitation of a “financing requirement” in Claims 1, 11, and 45 is unclear. More specifically, the Office Action asserts that it is unclear from the claim language what a “financing requirement” entails. Applicants respectfully traverse this assertion. The specification clearly describes, and the figures show, what is meant by a “financing requirement.” For example, the specification provides the following:

If the customer has selected link 106 as described above, then screen 120 as shown in Figure 6 is displayed. *Specifically, the customer is presented with a screen listing a number of background questions regarding the customer's financing requirement.* Each question includes a drop box 122, where the customer can select the answer to the individual background questions. In the embodiment shown, background questions include the country where financing is required, which energy related business is the financing for, is the financing required for an operating asset, are U.S. taxes currently being paid by the customer, is the customer interested in either of off-balance sheet or non-recourse financing, and is the customer interested in structured debt such as high yield debt or subordinated debt. In the embodiment shown, several of the terms in the questions include embedded links, that the customer can select, whereupon system 10 will cause a screen (not shown) which includes a definition of the term selected. (Paragraph 0040) (Emphasis added)

Once a customer has supplied an answer to the background questions, submission of those answers is accomplished by selecting a button 124 labeled submit. *Submission of answers to background questions causes system 10 to display a screen of financing specific questions regarding the financing requirement.* Figure 7 is one embodiment of a screen 140 which includes specific questions, based upon customers response entered into screen 120 (shown in Figure 6), regarding a financing requirement. In the embodiment shown in Figure 7, financing specific questions include amount of financing, selling or optimizing equity position, willing to share control, upside potential and residuals of the asset, willing to subordinate equity distribution to a preferred equity investor and willing to be contacted regarding the financing requirement. As in screen 120 (shown in Figure 6), the embodiment shown in screen 140, has answers to financing specific questions entered using pull down menus 142 and submission of answers through use of a submit button 144. Also as in screen 120, screen 140 includes embedded links, that the customer can select, whereupon system 10 will cause a screen (not shown) which includes a definition of the term selected. (Paragraph 0042)

Applicants respectfully submit that the originally filed specification fully describes the meaning of a financing requirement. Because the Examiner is required to consider the claims in relation to the specification, Applicants submit that one skilled in the art would understand that a financing requirement is predicated by the needs of a customer, as is explained in the specification at, for example, paragraphs [0040] and [0042], above, and as shown in Figures 6 and 7. Moreover, the meaning of a finance requirement is further clarified when the specification is considered with the figures. Accordingly, Applicants

respectfully submit that Claims 1, 11, and 45 are definite and particularly point out and distinctly claim the subject matter of the invention.

Moreover, the Office Action asserts at page 3 that Claims 1, 11, and 45 are unclear and vague. Specifically, the Office Action asserts that the recitations of “analyzing the information . . . and recommending to the customer . . .” are unclear and vague as to who or what is analyzing the information and doing the recommending to the customer. Applicants traverse this assertion. For example, the specification provides the following:

Figure 4 is a flow chart 70 illustrating process steps for facilitating a financing inquiry regarding a power generation site. Flowchart 70 further includes process steps relating to using an equity valuation tool for use in determining financing options. *In one exemplary embodiment, a customer accesses 72 system and the system prompts the customer, to select 73 a financing type or an energy solutions tool.* If the customer inputs a selection 73 of a financing type, a query is performed 76, and if the financing type selection is a project common equity selection, the customer is prompted 78 to input whether an equity valuation is desired. If an equity valuation is desired, an equity valuation is performed 80 using an equity valuation tool which bases the equity valuation on customer input to questions (See Figures 15 and 16 below). After the valuation is completed, the customer is queried 82 whether to display 84 the valuation results. Whether or not the valuation is displayed 84, the customer has an option to perform 85 another equity valuation or return to the prompt to select 73 a financing type or energy solutions tool. (Paragraph 0036) (Emphasis added)

To implement the process described above, many variations of particular screens viewable by a customer can be utilized. *The following description refers to one set of screens that can be used to prompt a customer to make the necessary inputs to enable the system to recommend a financing for the customer's particular facility.* Of course, many variations of such screens are possible. (Paragraph 0038) (Emphasis added)

Applicants respectfully submit that the originally filed specification fully describes a system that analyzes information provided by a customer and recommends financing options to the customer based on the information. Moreover, the cited recitations of Claims 1, 11, and 45 are further clarified when the specification is considered with the figures. Accordingly, Applicants respectfully submit that Claims 1, 11, and 45 are definite and particularly point out and distinctly claim the subject matter of the invention.

Claim 11 has been amended to address the Examiner's concerns regarding the recitation "related to a financing requirement." Specifically, Claim 11 has been amended to recite "related to at least one financing requirement" in order to be in agreement with Claims 1 and 45. Accordingly, Applicants respectfully submit that Claim 11 is definite.

For at least the reasons set forth above, Applicants respectfully request that the Section 112, second paragraph, rejection of Claims 1, 11, and 45 be withdrawn.

The rejection of Claims 1-7, 11-17, and 45-48 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,940,812 to Tengel, et al. (hereinafter referred to as "Tengel") is respectfully traversed.

Applicants respectfully submit that Tengel does not describe or suggest the claimed invention. At least one of the differences between Tengel and the present invention is that Tengel does not describe or suggest prompting a customer to input into a computer information describing an energy-related asset being financed. Moreover, Tengel does not describe or suggest that the energy-related asset includes a power generating facility, a refinery, a mine, and/or a pipeline.

Tengel describes a loan origination system (100) for matching a best available loan to a potential borrower. The system (100) accepts and stores into a database (110) borrower attributes entered via a web browser, such as the loan product the borrower is applying for, the gross income of the borrower, current monthly debt payments by the borrower, and other personal information. The system (100) also accepts and stores into the database (110) further borrower attributes received from one or more credit bureaus (116). The system (100) then compares the borrower attributes with a set of loan acceptance criteria also stored in the database (110) to determine available loans for which the borrower qualifies. The system (100) ranks the loans and the borrower selects a particular loan from a particular lender. When the loan and lender have been selected, the system (100) generates a loan application from the borrower attributes and transmits the application to the lender (102) for approval.

Claim 1 recites a method for operating a computer to facilitate a choice of a financing product for financing an energy-related asset, wherein the method includes “prompting a customer to provide information related to at least one financing requirement; prompting the customer to input into the computer information describing the energy-related asset being financed, wherein the energy-related asset including at least one of a power generating facility, a refinery, a mine, and a pipeline; prompting the customer to input into the computer responses to a plurality of questions regarding the at least one requirement for financing the energy-related asset; analyzing the information inputted into the computer by the customer; and recommending to the customer based on the analyzed information a type of financing for financing the energy-related asset, wherein the financing types include a financing project, a high yield debt, leasing, a project common equity, a limited partnership, a private equity and a preferred equity.”

Tengel does not describe or suggest a method for operating a computer to facilitate a choice of a financing product for financing an energy-related asset, as recited in Claim 1. More specifically, Tengel does not describe or suggest a method that includes prompting a customer to input into the computer *information describing the energy-related asset being financed*, wherein the energy-related asset includes a power generating facility, a refinery, a mine, and/or a pipeline. Rather, Tengel describes a loan origination system for matching a best available loan to a potential borrower using *borrower attributes entered by the user via a web browser, such as the loan product the borrower is applying for, the gross income of the borrower, current monthly debt payments by the borrower, and other personal information as well as borrower attributes received from one or more credit bureaus*. The system then compares the borrower attributes with a set of loan acceptance criteria also stored in the database and ranks the loans, enabling the borrower to select a particular loan from a particular lender. The system then generates a loan application from the borrower attributes and transmits the application to the lender for approval.

Moreover, Applicants traverse the assertion at page 3 of the Office Action that Tengel describes “prompting the customer to input into the computer information describing the energy-related asset being financed, wherein the energy-related asset including at least one of

a power generating facility, a refinery, a mine, and a pipeline (col. 8, line 37-col. 9, line 22, fig. 4 –“no. 14 other unique attribute” and fig. 5)....” Rather, Tengel describes a standard loan application procedure in which a borrower submits to a global telecommunications network, via a web browser, personal information, “such as the loan product the borrower is applying for, the gross income of the borrower, [and] current monthly debt payments by the borrower....” The global telecommunications network also obtains a second set of borrower attributes from one or more credit reporting agencies, which is merely a standard credit check. Moreover, the “other unique attribute” shown in Figure 4 relates to a potential loan rather than to an energy-related asset, as in the current invention. However, Tengel does not describe or suggest prompting the borrower to enter information relating to the asset for which the borrower is applying for a loan. More specifically, Tengel does not describe or suggest prompting the borrower to enter information relating to an energy-related asset such as a power generating facility, a refinery, a mine, and/or a pipeline.

Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Tengel.

Claims 2-7 depend from independent Claim 1. When the recitations of Claims 2-7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-7 likewise are patentable over Tengel.

Claim 11 recites a computer for facilitating a selection of a financing product for financing an energy-related asset, wherein the computer is programmed to “prompt a customer to provide information related to at least one financing requirement; prompt a customer to input information describing the energy-related asset being financed, wherein the energy-related asset including at least one of a power generating facility, a refinery, a mine, and a pipeline; prompt the customer to input responses to a plurality of questions regarding the at least one requirement for financing the energy-related asset; analyze the information inputted by the customer; and recommend to the customer based on the analyzed information a type of financing for financing the energy-related asset, wherein the financing types include

a financing project, a high yield debt, leasing, a project common equity, a limited partnership, a private equity and a preferred equity.”

Tengel does not describe or suggest a computer for facilitating a selection of a financing product for financing an energy-related asset, as recited in Claim 11. More specifically, Tengel does not describe or suggest a computer programmed to prompt a customer to input *information describing the energy-related asset being financed*, wherein the energy-related asset includes a power generating facility, a refinery, a mine, and/or a pipeline. Rather, Tengel describes a loan origination system for matching a best available loan to a potential borrower *using borrower attributes entered via a web browser, such as the loan product the borrower is applying for, the gross income of the borrower, current monthly debt payments by the borrower, and other personal information as well as borrower attributes received from one or more credit bureaus*. The system then compares the borrower attributes with a set of loan acceptance criteria also stored in the database and ranks the loans, enabling the borrower to select a particular loan from a particular lender. The system then generates a loan application from the borrower attributes and transmits the application to the lender for approval.

Moreover, Applicants traverse the assertion at page 3 of the Office Action that Tengel describes “prompting the customer to input into the computer information describing the energy-related asset being financed, wherein the energy-related asset including at least one of a power generating facility, a refinery, a mine, and a pipeline (col. 8, line 37-col. 9, line 22, fig. 4 –“no. 14 other unique attribute” and fig. 5)....” Rather, Tengel describes a standard loan application procedure in which a borrower submits to a global telecommunications network, via a web browser, personal information, “such as the loan product the borrower is applying for, the gross income of the borrower, [and] current monthly debt payments by the borrower....” The global telecommunications network also obtains a second set of borrower attributes from one or more credit reporting agencies, which is merely a standard credit check. Moreover, the “other unique attribute” shown in Figure 4 relates to a potential loan rather than to an energy-related asset, as in the current invention. However, Tengel does not describe or suggest prompting the borrower to enter information relating to the asset for

which the borrower is applying for a loan. More specifically, Tengel does not describe or suggest prompting the borrower to enter information relating to an energy-related asset such as a power generating facility, a refinery, a mine, and/or a pipeline.

Accordingly, for at least the reasons set forth above, Claim 11 is submitted to be patentable over Tengel.

Claims 12-17 depend from independent Claim 11. When the recitations of Claims 12-17 are considered in combination with the recitations of Claim 11, Applicants submit that dependent Claims 12-17 likewise are patentable over Tengel.

Claim 45 recites an apparatus for facilitating a selection of a financing product for financing an energy-related asset, wherein the apparatus includes “means for prompting a customer to provide information related to at least one financing requirement; means for prompting the customer to input information describing the energy-related asset being financed, wherein the energy-related asset including at least one of a power generating facility, a refinery, a mine, and a pipeline; means for prompting the customer to input responses to a plurality of questions regarding the at least one requirement for financing the energy-related asset; means for analyzing the information inputted into the computer by the customer; and means for recommending to the customer based on the analyzed information a type of financing for financing the energy-related asset, wherein the financing types include a financing project, a high yield debt, leasing, a project common equity, a limited partnership, a private equity and a preferred equity.”

Tengel does not describe or suggest an apparatus for facilitating a selection of a financing product for financing an energy-related asset, as recited in Claim 45. More specifically, Tengel does not describe or suggest an apparatus that includes a means for prompting the customer to input *information describing the energy-related asset being financed*, wherein the energy-related asset includes a power generating facility, a refinery, a mine, and/or a pipeline. Rather, Tengel describes a loan origination system for matching a best available loan to a potential borrower *using borrower attributes entered via a web*

browser, such as the loan product the borrower is applying for, the gross income of the borrower, current monthly debt payments by the borrower, and other personal information as well as borrower attributes received from one or more credit bureaus. The system then compares the borrower attributes with a set of loan acceptance criteria also stored in the database and ranks the loans, enabling the borrower to select a particular loan from a particular lender. The system then generates a loan application from the borrower attributes and transmits the application to the lender for approval.

Moreover, Applicants traverse the assertion at page 3 of the Office Action that Tengel describes “prompting the customer to input into the computer information describing the energy-related asset being financed, wherein the energy-related asset including at least one of a power generating facility, a refinery, a mine, and a pipeline (col. 8, line 37-col. 9, line 22, fig. 4 –“no. 14 other unique attribute” and fig. 5)....” Rather, Tengel describes a standard loan application procedure in which a borrower submits to a global telecommunications network, via a web browser, personal information, “such as the loan product the borrower is applying for, the gross income of the borrower, [and] current monthly debt payments by the borrower....” The global telecommunications network also obtains a second set of borrower attributes from one or more credit reporting agencies, which is merely a standard credit check. Moreover, the “other unique attribute” shown in Figure 4 relates to a potential loan rather than to an energy-related asset, as in the current invention. However, Tengel does not describe or suggest prompting the borrower to enter information relating to the asset for which the borrower is applying for a loan. More specifically, Tengel does not describe or suggest prompting the borrower to enter information relating to an energy-related asset such as a power generating facility, a refinery, a mine, and/or a pipeline.

Accordingly, for at least the reasons set forth above, Claim 45 is submitted to be patentable over Tengel.

Claims 46-48 depend from independent Claim 45. When the recitations of Claims 46-48 are considered in combination with the recitations of Claim 45, Applicants submit that dependent Claims 46-48 likewise are patentable over Tengel.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 1-7, 11-17, and 45-48 be withdrawn.

The rejection of Claims 3-10, 13-20, and 47-53 under 35 U.S.C. § 103(a) as being unpatentable over Tengel in view of U.S. Patent 7,177,834 to Maestle (hereinafter referred to as “Maestle”) is respectfully traversed.

Tengel is described above. Maestle describes a computer program that enables a user create and prepare for a project, including financial forecasting using standard project finance tools. Capital expenditures are entered for one or more contracts within the project, including loans incurred in order to undertake the project. After a desired financing time horizon is selected for each loan, a user may enter, for each loan, disbursements and/or select a capital expenditure category to which the loan should be applied. The computer program generates a loan disbursement time series, which the user may modify based on changed capital expenditures and/or exchange rates.

Claims 3-10 depend from independent Claim 1. Claim 1 is recited hereinabove.

As discussed above, Tengel does not describe or suggest a method as recited in Claim 1. Applicants respectfully submit that Maestle does not make up for the deficiencies of Tengel. Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Claim 1 is patentable over Tengel in view of Maestle.

When the recitations of Claims 3-10 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 3-10 likewise are patentable over Tengel in view of Maestle.

Claims 13-20 depend from independent Claim 11. Claim 11 is recited hereinabove.

As discussed above, Tengel does not describe or suggest a computer as recited in Claim 11. Applicants respectfully submit that Maestle does not make up for the deficiencies of Tengel. Accordingly, for at least the reasons set forth above, Claim 11 is submitted to be patentable over Tengel in view of Maestle.

When the recitations of Claims 13-20 are considered in combination with the recitations of Claim 11, Applicants submit that dependent Claims 13-20 likewise are patentable over Tengel in view of Maestle.

Claims 47-53 depend from independent Claim 45. Claim 45 is recited hereinabove.

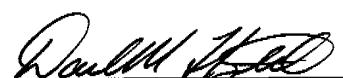
As discussed above, Tengel does not describe or suggest an apparatus as recited in Claim 45. Applicants respectfully submit that Maestle does not make up for the deficiencies of Tengel. Accordingly, for at least the reasons set forth above, Claim 45 is submitted to be patentable over Tengel in view of Maestle.

When the recitations of Claims 47-53 are considered in combination with the recitations of Claim 45, Applicants submit that dependent Claims 47-53 likewise are patentable over Tengel in view of Maestle.

For at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 3-10, 13-20, and 47-53 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,



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